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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Workshop  
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technically savvy and has qualifications that would assist the committee. He previously chaired the Smart Growth committee. She announced that the committee's next meeting is December 2<sup>nd</sup>. She said that she would like to join with the comments of Ms. Erik in saying that Ms. Battaglia is the best administrator in years. She gave Ms. Battaglia a poinsettia. Mayor Bieri is one of two good mayors that West Milford has had. She gave her a poinsettia. She wished a Happy Thanksgiving to all and said that she was happy to see Councilman Schimmenti back from his medical leave.

Richard Ashley, 14 Orange Road – spoke regarding the Lake Commercial Zone. He said that changes to the LC Zone are detrimental to owners of property in the zone. He provided a packet to each Council member asked them to consider his points about the proposed changes, and provided an overview, along with his credentials. He wished everyone a Happy Thanksgiving.

Jim Novack, Larchmont Drive – said that according to the meeting agenda, that the Council is proposing a lot of expenditures this evening. He said that the Township should rehab some of the trucks rather than buying new ones. The vehicles should have a thorough maintenance. He said that other towns have longer life on their vehicles. West Milford must cut back. Residents are hurting. He said that he has heard rumors about a recall of the Mayor and Council. He said that the candidates who lost the election should get their head out of the sand and admit that they did. He asked for a response to this comments

Wayne Gottlieb, 20 S. Ridgefield Road – spoke about proceeding forward with the Septic Ordinance. He said that it will mean a windfall for the septic contractors. He asked the Council to meet with them to get a cap on the amount they will charge to the residents.

Doug Ott, 48 Stevens Road – Said that the Library committee meeting was held on the previous Friday night. They are looking for suitable properties for a new library. Some of the properties are Random Woods, behind Town Hall and possibly the Hillcrest building. He reviewed the meeting and stated facts about library use. 40% of the houses in West Milford have used their library cards in the past year. He said that despite internet use, the library is still used by the community. The current building is very small and not ADA compliant. There is no room for meetings and the space is limited. The library is an asset to West Milford. In June, 2008 he gave information about the property behind Town Hall. Mayor Bieri asked that the Council extend Mr. Ott's time to speak and Mr. Ott continued to speak about options that are possible for expanding or moving to a new location, the current library. Councilwoman Lichtenberg asked how big he would like the new library to be. Mr. Ott replied about 12,000 square foot. He discussed funding and possibly a volunteer effort. Councilman Weisbecker asked if there would be any problems because of the cell tower behind Town Hall. Mr. Ott explained that the plans locate the building far from the tower. Councilman Scangarello commented that the first step should be to hire an engineer. Councilman Nolan said that Council consensus would be required first. Mayor Bieri outlined what was discussed at the meeting and Councilman Scangarello suggested to have an engineer look at both concepts and make a recommendation. Mr. Ott commented about the possible use of Random Woods property and said that they have not ruled out that property. Council consensus was to have an engineer review both possibilities.

There being no more comments from the public Mayor Bieri moved to close the public portion of the meeting.

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Moved: Nolan Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Motion carried.

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A unanimous vote by the Council confirmed the 2009 Reorganization Meeting to take place on January 1, 2009 at 1:00 pm.

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Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Motion carried.

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Agenda No. VII

**Council Comments**

Township Attorney Semrau – commented that Carolyn McGuire from his office can attend the Cable TV meeting. He then spoke about Mr. Gottlieb's suggestions about rates for septic pumping. He commented that this should generate competition and lower prices.

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Councilwoman Lichtenberg – regarding the Cable committee, suggested that they provide better reception of Council meetings, and air both regular and workshop meetings. She also suggested that they be required to air the Township parade and possibly other events.

Agenda No. VIII

**Discussion Items**

1)	Ordinance – Septic Maintenance - Councilman Weisbecker said that he has talked with Interim Township Administrator Battaglia who said that she would have Health Officer Wallace respond to the email that Mayor Bieri had sent out. He then shared an anecdote about his interest in proceeding with this Ordinance. He feels that this legislation is necessary. It will make West Milford safer and cleaner. Councilwoman Lichtenberg said that she is in favor of this Ordinance. As a realtor she has seen many problems with septics. Councilman Scangarello asked about the \$15 administration fee. Township Attorney Semrau said that he will research registering septic pumping contractors. Councilman Nolan said that the intent of this Ordinance is to correct a problem. He recommends eliminating the \$15 fee. Consensus was to amend the Ordinance and eliminate the \$15 fee.
2)	Ordinance – Background Checks – Volunteer Organizations - Councilman Smolinski said that there was a contradiction between the Police Chiefs recommendations and the original proposal and asked about specific crimes being checked. Interim Township Administrator Battaglia said that the Chief of Police has made his recommendations and that he feels that the background checks be handled through the Community Services and Recreation Department. Township Attorney Semrau said that based on the expertise of the Chief of Police, he highlighted what can be done without the Police Department’s oversight. He suggested forming a committee to handle the appeal process of the disqualifiers. The Recreation Department would have limited responsibilities because most checks would return as satisfactory with an Appeal committee to handle all others. Consensus was to move forward with introduction in January, with changes as recommended by the Chief of Police
3)	Ordinance – Noise Ordinance – Township Attorney Semrau said that the Township has the State Model Ordinance on the books. He said that enforcement is limited to the Health Department. He questions if the police should be trained in enforcement. Consensus was to proceed and introduce in January.
4)	Wastewater Management Plan Update - Township Attorney Semrau spoke about other counties and what their plan is. The cost would be between \$50,000 to \$100,000. The plan is due in 2009. He recommends that if the County does this, the municipality is included from start to finish. Councilman Smolinski said that he would rather West Milford does their own, but is cautious about the cost. Councilwoman Lichtenberg suggested that some of the money come from Open Space. Township Attorney Semrau said that this is not likely. Councilman Nolan asked if the responsibility was with the Township or with the Municipal Utilities Authority. Township Attorney Semrau replied that it was ultimately the responsibility of the Township. He said that he will write to the County regarding the money and ask for a swift response.
5)	Reorganization/2009 Calendar - Reorganization meeting was scheduled for January 1, 2009 at 1pm. Councilman Scangarello moved this and Councilman Weisbecker seconded.
6)	Traffic Signal Warrant Analysis - Mayor Bieri said that there had been a memo from Township Engineer McFadden regarding two traffic signals that have been approved by the County. Councilman Smolinski said that he has concerns about this and referred to the memo. He said that the way it was laid out, that parking may be affected. Councilwoman Lichtenberg said that it reads that head-on parking on Greenwood Lake Tpke would be eliminated and she said that there would then be no parking for the stores in this mall. Councilman Smolinski wants information from Township Engineer McFadden about comments. Councilman Weisbecker, referring to the lights that were installed at town center, the Township was reimbursed a portion of the money, by the County. He asked for a rendering so that the Council could see what the intersection would look like. Interim Administrator Battaglia said that this has been the first step at, securing State approval. Mr. Weisbecker asked again for something that he could see. He is concerned about impact on the businesses at the intersection. Councilman Nolan asked if impact to the businesses would take precedence over safety at the intersection. Ms. Battaglia said that she will go back to Mr. McFadden and secure additional information from him. She said that this is just seeking for approval to proceed further with contacting the County, budgeting funds etc. Mr. Weisbecker asked with regards to the second light proposed for Warwick Tpke, and asked if there could be state grant funding in place that the Township could utilize. Consensus was to proceed at the intersection with Utopia Deli and to investigate grant money.
7)	Passaic County Request for Easements - Township Attorney Semrau advised the Council the specifics regarding the County seeking donation of the property that would be needed to properly replace a bridge over Greenbrook. Township Engineer McFadden will have to provide a statement to the County that the sight distance is adequate. Councilman Smolinski asked if it was fair to grant an easement. Councilwoman Lichtenberg asked if the county pays

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	for the legal costs, filing fees, administrative costs and publishing the Ordinance. Council consensus was to proceed.
8)	Wanaque Valley Committee Vacancies - Township Attorney Semrau referred to a memo from Miller about restructuring terms for reappointments to the Wanaque Valley Regional Sewer Authority. He recommends the appointment be made at the 1/1/09 Reorganization Meeting so that the term can be adjusted. Consensus was to proceed.
9)	Support of Assembly Bill No. 2731 - Councilwoman Lichtenberg said that this permits municipalities and counties to make certain traffic and engineering decisions without waiting for State approval. She is asking for a letter of support. Consensus was to proceed and to provide a Resolution of support.
10)	Professional Services Contract for 352 Warwick Turnpike Appraisal - Township Attorney Semrau began by saying that the Council has been interested in purchasing the property at 352 Warwick Turnpike. He said that he has obtained two proposals. They were from Krauser and Brody. Brody is experienced in condemnation. Councilman Weisbecker said that he wants Brody to do the work. Councilman Nolan said that the Township has a good track record with Krauser. Mr. Semrau said that Brody has much experience with condemnation. Councilwoman Lichtenberg said that she was in favor of Brody. Councilman Nolan asked why the funding would come from Open Space and it was determined that this was an error. The funding should not come from Open Space funding. Ms. Battaglia said that she believed that the funding would be through fees for services through Administration. Consensus was to proceed with Brody.
11)	Professional Services Contract for Jungle Habitat Appraisal - Township Attorney Semrau asked for time to review a second proposal that had come to him earlier in the day. He detailed that this proposal was for ½ the cost and could be completed expediently. The qualifications are the same between the two companies. Consensus was to proceed. Mr. Semrau said that the Township can use Open Space Funds for this project because it is for the lease of property.
12)	Contracts – 2009 Tandem Dump Truck - Mayor Bieri referred to a memo from the Township Engineer seeking award of the contract. The Council discussed the condition of equipment. The Council wishes to view the truck and to conduct a study of all of the Township’s fleet, similar to that which was done for the Fire companies. They wish for a study of surrounding municipalities to determine the average life of their vehicles. Interim Administrator Battaglia stated that the bid was opened on October 10 and must be awarded within 60 days or subject to rebid. Township Attorney explained from a legal prospective what happens when a bid is rejected. He said that if the bid is rejected, a Resolution would be needed for the next Council meeting. Consensus was to reject the bid and the bid outlined in item #13 and to do a study of the vehicles as well as an analysis from other townships.
13)	Contracts – Two 2009 3.4 C.Y. Mason Dump Trucks with Plow and Central Hydraulics - Two 2009 3.4 C.Y. Mason Dump Trucks with Plow and Central Hydraulics - discussion as for item 12 above
14)	Contracts – 2009 Tub Grinder Services - consensus was to proceed with lowest bid.

Agenda No. IX

**Action Items**

The Township Council took action on the following items:

Agenda No. IX 1  
 ~ Resolution No. 2008- 420 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY PROVIDING NOTICE OF INTENT TO PETITION THE HIGHLANDS COUNCIL FOR PLAN CONFORMANCE**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State’s drinking water supplies and other key natural resources; and

**WHEREAS**, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region and requiring that within nine to 15 months after September 8, 2008, each county and municipality located wholly or partially in the Preservation Area must submit a Petition for Plan Conformance to the Highlands Council for that portion of its jurisdiction lying within the Preservation Area; and

**WHEREAS**, the Highlands Act specifies that conformance with the Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as

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applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

**WHEREAS**, the Highlands Council's Plan Conformance Guidelines require that for jurisdictions with any lands in the Preservation Area, a Notice of Intent to conform to the Regional Master Plan must be submitted to the Highlands Council as soon as practicable, but not later than February 1, 2009 and that for any lands in the Planning Area, a Notice of Intent may be submitted at any time; and

**WHEREAS**, the Township of West Milford lies within the Highlands Region as defined by the Highlands Act; and

**WHEREAS**, the Township Council of the Township of West Milford believes that it is in the best interest of the Township to conform to the Regional Master Plan.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that it hereby provides the Highlands Council with this Notice of Intent to petition the Highlands Council for Plan Conformance for all lands lying within the Preservation Area; and

**BE IT FURTHER RESOLVED**, this Notice of Intent provides notice to the Highlands Council that the Township Council of the Township of West Milford has set *December 8, 2009* as the target date for submission of a Petition for Plan Conformance.

This resolution shall take effect immediately.

Adopted: November 26, 2008

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Motion carried.

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Agenda No. IX 2

~ Resolution No. 2008- 421 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SEEKING AN EXTENSION OF THE DEADLINE TO PETITION FOR SUBSTANTIVE CERTIFICATION PURSUANT TO EXECUTIVE ORDER 114 AND THE MEMORANDUM OF UNDERSTANDING BETWEEN THE HIGHLANDS COUNCIL AND THE COUNCIL ON AFFORDABLE HOUSING**

**WHEREAS**, on September 5, 2008, Governor Corzine signed Executive Order 114 which requires the Council on Affordable Housing (COAH) and the New Jersey Highlands Council (Highlands) to enter into a Memorandum of Understanding (MOU) designed to coordinate the regulations of both agencies by maximizing affordable housing opportunities while preserving critical environmental resources; and

**WHEREAS**, COAH and the Highlands have prepared such an MOU, which was adopted by COAH on October 29, 2008 and by the Highlands Council on October 30, 2008; and

**WHEREAS**, conformance with the Highlands Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

**WHEREAS**, COAH regulations establish a December 31, 2008 deadline for municipalities currently under the jurisdiction of COAH to submit third round petitions for substantive certification of a municipal housing element and fair share plan; and

**WHEREAS**, the MOU establishes a procedure that municipalities under the jurisdiction of both COAH and the New Jersey Highlands Water Protection and Planning Act may follow to seek an extension to the December 31, 2008 deadline set by COAH for the submission of third round petitions for substantive certification of a municipal housing element and fair share plan; and

**WHEREAS**, the MOU provides for an extension of the December 31, 2008 deadline to December 8, 2009 for any Highlands municipality under COAH's jurisdiction that, before December 31, 2008: 1) submits a duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines; and 2) submits a duly adopted resolution notifying COAH of its intent to petition COAH no later than December 8, 2009; and

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**WHEREAS**, on November 26, 2008, the governing body of the Township of West Milford adopted a resolution notifying the Highlands that the Township has set December 8, 2009 as the target date for submission of a Petition for Plan Conformance.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that it hereby agrees that its deadline for the submission of a Housing Element and Fair Share Plan pursuant to N.J.A.C. 5:96-16 is extended from December 31, 2008 to December 8, 2009; and

**BE IT FURTHER RESOLVED** that the governing body of the Township of West Milford hereby directs the Township Clerk to immediately transmit a signed and sealed copy of this resolution to COAH; and

**BE IT FURTHER RESOLVED** that the governing body of the Township of West Milford intends to submit a petition for substantive certification of a third round Housing Element and Fair Share Plan to COAH not later than December 8, 2009.

This resolution shall take effect immediately.

Adopted: November 26, 2008

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Motion carried.

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Discussion: Township Attorney Semrau explained the urgency of this Resolution as well as Resolution 420 by saying that because of the Townships location, that this addresses the Townships commitment to the Plans conformance and that the Township can obtain an extension of one year with regards to COAH. This allows a year to formulate the Townships affordable housing rules.

Agenda No. IX 3  
~ Resolution No. 2008- 422 ~

**NUMBER NOT USED**

Agenda No. IX 4  
~ Resolution No. 2008- 426~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPOINTING A MUNICIPAL HOUSING LIAISON**

**WHEREAS**, the Governing Body of the Township of West Milford filed its Housing Element and Fair Share Plan with the Council On Affordable Housing (COAH) on December 10, 2005 and petitioned COAH for substantive certification on December 10, 2007; and

**WHEREAS**, the Township of West Milford's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:97-1 et. seq.); and

**WHEREAS**, pursuant to N.J.A.C. 5:96-17 and N.J.A.C. 5:80-26.1 et. seq. the Township of West Milford is required to appoint a Municipal Housing Liaison for the administration of the Township of West Milford's affordable housing program to enforce the requirements of N.J.A.C. 5:96-17 and N.J.A.C. 5:80-26.1 et. seq.; and

**WHEREAS**, the Township of West Milford has amended Chapter 470 entitled "Subdivision of Land and Site Plan Review, Article XIII, Affordable Housing" to provide for the appointment of a Municipal Housing Liaison to administer the Township of West Milford's affordable housing program.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of West Milford in the County of Passaic, and the State of New Jersey that the Township's Land Use Administrator, Dorothy Fox is hereby appointed by the Governing Body of the Township of West Milford as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Sections 470-69.1 through 470-69.3 of the Township of West Milford's Code.

Adopted: November 26, 2008

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Scangarello.  
Voted Nay: Lichtenberg.  
Motion carried.

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Discussion: Councilwoman Lichtenberg commented that she had voted no to the Resolution and is concerned about a second position when it was intended to appoint the Land Use Administrator to this responsibility. Interim Administrator Battaglia said that there will be no additional compensation for this, but a Resolution needs to be adopted to be in compliance with the State of NJ.

Agenda No. IX 5  
~ Resolution No. 2008- 427~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO ROBERT L. CAMPBELL ASSOCIATES FOR ENGINEERING SERVICES RELATED TO THE DESIGN OF A SEPTIC SYSTEM FOR BLOCK 6002, LOT 25, THE JOHNER BUILDING**

**WHEREAS**, the Township of West Milford contemplates a change in use of Township premises located at Block 6002, Lot 25 in the Township said property commonly known as the Johner Building; and

**WHEREAS**, said changes may require alterations to the existing septic system; and

**WHEREAS**, Allen J. Campbell, P.E., P.P., C.M.E. of Robert L. Campbell Associates has submitted a proposal for phase one of the process to evaluate the current system and which evaluation shall include an evaluation of the historic use, a comparison to the proposed use, and a definition of the scope of the permit process for the proposed change in use; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from account number C-04-55-900-625; and

**WHEREAS**, Allen J. Campbell of Robert L. Campbell Associates has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Robert L. Campbell Associates from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bid and the contract itself must be made available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Robert L. Campbell Associates in an amount not to exceed \$4,000.

Adopted: November 26, 2008

Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Motion carried.

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Discussion: Interim Administrator Battaglia said that she wishes to move forward with this, however, determinations need to be made with the allowable uses for the building with the existing system. There has been discussion with regard to previous uses and if the capacity is enough for the proposed use. She sought recommendations from the Sussex County Health Department and said that she was trying to ascertain a vendor who could both handle the Highlands Act as well as the historic values. Councilman Nolan asked regarding historic use and Ms. Battaglia said that the historic use pertains to the septic, not the building. It is the intention to determine if the septic capacity is suitable or will require an upgrade. Councilman Smolinski asked about tying into the Municipal Utilities facilities and it was answered that the distance would be too great.

Agenda No. IX 6  
~ Resolution No. 2008- 428~

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ADOPTING A STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION FOR OPEN SPACE ACQUISITION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of West Milford desires to further the public interest by obtaining a grant of \$950,000.00 from the State to fund Apple Acres/Open Space Acquisition Projects.

NOW, THEREFORE, the governing body/board resolves that the Township Administrator or the successor to the office of Township Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
(b) provide additional application information and furnish such documents as may be required, and
(c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Council of the Township of West Milford:

- 1. That the Township Administrator of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Apple Acres/Open Space Acquisitions, and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$950,000.00;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project;
5. That this resolution shall take effect immediately.

Moved: Weisbecker Seconded: Scangarello
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.
Voted Nay: None.
Motion carried.

Discussion: Interim Administrator Battaglia said that this has come to light this week and in order to proceed with the Green Acres purchase of Apple Acres that a Resolution is required in this format. Township Attorney Semrau said that this will also pertain to other Open Space properties.

Agenda No. X

Approval of Expenditures

~ Resolution No. 2008- 423 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

WHEREAS, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer's report of checks prepared by him be approved and issued as follows:

Table with 3 columns: Acct #, Account Name, Amount. Row 1: 1, Current Account, \$349,625.31

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2	Reserve Account . . . . .	
3	Animal Control Trust	2,755.10
6	Capital. . . . .	111,073.19
7	Grants. . . . .	21,321.85
8	Refuse. . . . .	204,551.05
9	Refunds. . . . .	20.00
12	General Ledger. . . . .	720.00
16	Heritage Trust. . . . .	
14	Open Space Trust	1,703.89
17	Trust . . . . .	18,660.99
18	Development Escrow. . . . .	11,254.60
19	LOSAP	
20	Special Reserve	
Total		\$721,685.98
Less Refund Resolution		(20.00)
<b>Actual Bill List</b>		<b>\$721,665.98</b>
Other Payments		
Less Refund Resolution		
<b>Total Expenditures</b>		<b>\$721,665.98</b>

Approved: November 26, 2008

Moved: Weisbecker Seconded: Scangarello  
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
 Voted Nay: None.  
 Motion carried.

Agenda No. XI

**Reports of Mayor, Administrator, Council Members, Attorney and Clerk**

Antoinette Battaglia, Interim Administrator and Township Clerk – spoke regarding the approval of Executive Session minutes being released. She has contacted Township Attorney Semrau who has recommended certain items be released. She is seeking Council consensus to release those items. Consensus was to proceed. She reminded everyone that Town Hall would be closed on Thursday and Friday and that packets would be delayed until Monday. She said that with the Mayor’s directive she has posted the position openings for Township Administrator and Township Clerk. She is seeking the Council establish committees for interviewing potential candidates.

A committee was established for interviewing of the Administrator position.

Moved: Weisbecker Seconded: Nolan  
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
 Voted Nay: None.  
 Motion carried.

A committee was established for interviewing of the Municipal Clerk.

Moved: Lichtenberg Seconded: Smolinski  
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
 Voted Nay: None.  
 Motion carried.

Interim Administrator Battaglia said that she has received correspondence from the Department of Transportation following up on West Milford not adopting a Resolution regarding Susquehanna Railroad up

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grading their equipment. He gave her contact information to speak with someone regarding abandoned property. She said that she is trying to lock a date in to meet with an engineer and said that the Council would need to adopt the Resolution to upgrade their lines. Councilman Weisbecker responded that the Resolution they are seeking, it is the Townships leverage. He feels that if they are willing to put together a meeting he would also like to have something in writing. Ms. Battaglia said that she is seeking something in writing.

Councilman Schimmenti – thanked everyone for wishing him a speedy recovery and wished in return a very Happy Thanksgiving.

Councilman Nolan – said that the Township has received a grant for improvements to Cahill Cross Road and asked how much was applied for. He said that West Milford received an honorable mention from the New Jersey League of Municipalities for recognition in keeping the community informed as to what is happening within the Township. He wished everyone a Happy Thanksgiving.

Councilwoman Lichtenberg – asked Township Attorney Semrau to provide an outline of the restrictions of the Board of Education with regards to Hillcrest property. She thanked the CLC Force For Good and the High School Interact Club for their work in the Township. She reminded everyone of upcoming dates and times of events. She reminded everyone that she is at Town Hall on Thursdays from 10am-12 noon. She wished everyone a Happy and Healthy Thanksgiving.

Councilman Scangarello - said that the senior citizens need Township Attorney Semrau's help with the rate increase for water. He asked if the Council could send a message. Mr. Semrau replied that the Council can file to intervene and to be heard before the Office of Administrative Law. To do this, an expert would need to be hired and alternately, send letters to the Board of Public Utilities and send a Resolution. Consensus was to adopt a Resolution. He said that Mr. Bill Gervens was honored by the Boy Scouts of America.

Councilman Weisbecker – spoke about an icing incident and said that the roadway between West Milford and Warwick is maintained by Vernon Twp. They take forever to maintain that road. He suggested contacting Vernon and asking if West Milford could maintain that portion in exchange for Vernon maintaining Canistear Road. Township Attorney Semrau said that he felt that this could be handled through an interlocal agreement. Liability would be a prime concern. He suggested checking with other surrounding communities as well. He urged everyone to use caution on the road during the Holiday season. He wished everyone a great Thanksgiving.

Councilman Smolinski - talked about United Water in West Milford. He said that this increase is unfair. He said that he was grateful that he would be celebrating Thanksgiving with his daughter who had recently returned from Afghanistan.

Mayor Bieri – reported about the Animal Shelter fundraiser of pictures with Santa. She said that a Resolution hoping to gain endorsement for the Water Users Fee at the League of Municipalities went through with changes. The NJLM is endorsing the resolution. She expects success in finding a Township Clerk and Township Administrator.

Township Attorney Semrau – reviewed the items for Executive Session and said that Apple Valley Estates discussion revolves around a pending tax appeal. There is attempt to clean up the property of pesticides. Random Woods relates to funding not be sufficient which was set forth in the contract. There is presently a stay so that both sides can seek other funding. The Hillcrest lease has been received. Mount Laurel Park discussion deals with final payments that have been discussed in the past. In executive session Council will discuss potential law breaking and there is a prospect of serious consequences being investigated.

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Agenda No. XI

**Executive Session**

~ Resolution No. 2008- 424 ~  
**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 26<sup>th</sup> day of November 2008, that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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- ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
( ) b. (4) A collective bargaining agreement including negotiations.
(X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
(X) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
(X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
( ) b. (8) Personnel matters.
( ) b. (9) Deliberations after a public hearing that may result in penalties.

2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: November 26, 2008

Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.
Voted Nay: None.
Motion carried.

Agenda No. XIII

Appointments and Resignations

~ Resolution No. 2008- 425 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING RESIGNATIONS TENDERED

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby accept the following resignations tendered to the Township:

Table with 3 columns: Name, Position, Date Tendered. Rows include Laetitia Munro (Historic Preservation Commission, Nov 19, 2008) and James Warden (Cablevision Franchise Citizen Advisory Committee, Nov 21, 2008).

Adopted: November 26, 2008

Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.
Voted Nay: None.
Motion carried.

Agenda No. XIV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:10 p.m.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Motion carried.

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Approved: January 14, 2009

Respectfully Submitted:  
Judy Manning, Part Time Secretary

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK